

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79148266
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/79148266/large
LITERAL ELEMENT	EXNESS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>The Examining Attorney has refused registration of the application based on the allegation that the description of services is “too vague, too broad and does not adequately describe the services.”</p> <p>Applicant’s current description consists of the following:</p> <p>Class 36: Financial services, namely, the provision of financial service products, brokerage services, provision of advice in relation to financial investment, the purchasing and sale of financial assets, banking services, stockbroking services, asset management services, trading account, tracking and management services, fund management and investment services, hedge fund management and investment services, off-shore fund management, private client fund management; monetary services, namely, financial investment management services, asset management services, unit trust management services, management of mutual funds, investment funds and collective investment schemes, actuarial services, brokerage and valuation services, arranging the sale of annuities; insurance services, namely, insurance agency services, financial insurance services, personal insurance, life insurance, bereavement insurance, fire, accident and risk insurance, reinsurance; real estate services, namely, real estate agency services, real estate property valuation services, real estate property management services, management of property investments and property portfolios, real estate services related to management of property investments</p> <p>Applicant respectfully asserts that the request for further amendment of its description of services is unnecessary. Rather, Applicant believes that its description of services is adequate within the rules, and does not warrant further clarification.</p>	

“With few exceptions, an identification of goods and services will be considered acceptable if it:

- Describes the goods and/or services so that an English speaker could understand what the goods and/or services are, even if the grammar or phrasing is not optimal;
- Meets the standards (not necessarily the language) set forth in the ID Manual;
- Is not a class heading; and
- Is in the correct class, i.e., there is no language in the identification that makes classification difficult or ambiguous; each class lists goods or services that are clearly in a single class.”

TMEP § 1402.01(a)

“Deference should be given to the language set forth by the applicant in the original application.” Id.

Applicant’s services are clearly described so that an English speaker would understand what services are being offered, even if the grammar or phrasing may not be considered optimal. Further, none of the descriptions are class headings and all appear in the correct class. Of the three categories of services listed, each constitutes a form of either “financial services,” “monetary services,” or “insurance services.” Each of these categories of services are recognized in the ID Manual as falling within Class 36, and the specific services that are included in each grouping (after the “namely” statements) are by definition simply more specific services falling under each group.

Finally, the services meet the standards of the ID Manual, as evidenced by the following exemplary services quoted from the ID Manual:

Financial advice.

Financial asset management

Banking services

Services of a stockbroker

Financial investment brokerage services.

Hedge fund investment services

Mutual funds and capital investment

Actuarial services

Insurance agencies

Insurance underwriting in the field of {specify field, e.g. life, health, accident, fire}

Accordingly, Applicant respectfully asserts that its description of services is acceptable as previously entered and should not require additional clarification. Applicant thanks the Examining Attorney for his assistance with this matter and respectfully asserts that this application should be approved for

publication.

SIGNATURE SECTION

RESPONSE SIGNATURE

/Sean K. Owens/

SIGNATORY'S NAME

Sean K. Owens

SIGNATORY'S POSITION

Attorney of record, Ohio bar member

DATE SIGNED

09/11/2015

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED

YES

FILING INFORMATION SECTION

SUBMIT DATE

Fri Sep 11 12:38:21 EDT 2015

TEAS STAMP

USPTO/RFR-216.136.122.18-
20150911123821651182-7914
8266-540a4db6eefdeeb9f4e8
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N/A-20150911123328523496

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79148266** EXNESS(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/79148266/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has refused registration of the application based on the allegation that the description of services is “too vague, too broad and does not adequately describe the services.”

Applicant’s current description consists of the following:

Class 36: Financial services, namely, the provision of financial service products, brokerage services, provision of advice in relation to financial investment, the purchasing and sale of financial assets, banking services, stockbroking services, asset management services, trading account, tracking and management services, fund management and investment services, hedge fund management and investment services, off-shore fund management, private client fund management; monetary services, namely, financial

investment management services, asset management services, unit trust management services, management of mutual funds, investment funds and collective investment schemes, actuarial services, brokerage and valuation services, arranging the sale of annuities; insurance services, namely, insurance agency services, financial insurance services, personal insurance, life insurance, bereavement insurance, fire, accident and risk insurance, reinsurance; real estate services, namely, real estate agency services, real estate property valuation services, real estate property management services, management of property investments and property portfolios, real estate services related to management of property investments

Applicant respectfully asserts that the request for further amendment of its description of services is unnecessary. Rather, Applicant believes that its description of services is adequate within the rules, and does not warrant further clarification.

“With few exceptions, an identification of goods and services will be considered acceptable if it:

- Describes the goods and/or services so that an English speaker could understand what the goods and/or services are, even if the grammar or phrasing is not optimal;
- Meets the standards (not necessarily the language) set forth in the ID Manual;
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- Is in the correct class, i.e., there is no language in the identification that makes classification difficult or ambiguous; each class lists goods or services that are clearly in a single class.”

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Insurance underwriting in the field of {specify field, e.g. life, health, accident, fire}

Accordingly, Applicant respectfully asserts that its description of services is acceptable as previously entered and should not require additional clarification. Applicant thanks the Examining Attorney for his assistance with this matter and respectfully asserts that this application should be approved for publication.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Sean K. Owens/ Date: 09/11/2015

Signatory's Name: Sean K. Owens

Signatory's Position: Attorney of record, Ohio bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79148266

Internet Transmission Date: Fri Sep 11 12:38:21 EDT 2015

TEAS Stamp: USPTO/RFR-216.136.122.18-201509111238216

51182-79148266-540a4db6eefdeeb9f4e81f82f

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